

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Middle District of Pa

Division

Case No.

3:19cv1390

(to be filled in by the Clerk's Office)

FILED  
SCRANTON

AUG 12 2019

PER

DEPUTY CLERK

Rickey Jefferson and

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

SIX EIGHT EIGHTION

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

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**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. \* Attach additional pages if needed.

Name

All other names by which  
you have been known:

ID Number

Current Institution

Address

RICKY JEFFERSON AND

L.C.P. (LACKNANA COUNTY PRISON)  
 1371 N. WASHINGTON AVE  
 SCRANTON PA 18509

City State Zip Code

**B. The Defendant(s)**Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.**Defendant No. 1**

Name

Job or Title (*if known*)

Shield Number

Employer

Address

STEVEN BUTON  
 C.M.C SECURITY GUARD  
 C.M.C Hospital  
 1622 MULBERRY STREET  
 SCRANTON PA 18510

City State Zip Code

☒ Individual capacity
 ☒ Official capacity
**Defendant No. 2**

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City State Zip Code

☐ Individual capacity ☐ Official capacity

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## Defendant No. 3

Name \_\_\_\_\_

Job or Title (if known) \_\_\_\_\_

Shield Number \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

☐ Individual capacity☐ Official capacity

## Defendant No. 4

Name \_\_\_\_\_

Job or Title (if known) \_\_\_\_\_

Shield Number \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

☐ Individual capacity☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

CRUEL AND UNUSUAL PUNISHMENT & DELIBERATE  
INDIFFERENCE AND VIOLATION OF THE  
8th & 14th - ACT.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

HE VIOLATED THE EMILY ACT and CRUEL and  
UNUSUAL PUNISHMENT: DELIBERATE INDIFFERENCE BY  
DENYING ME MEDICAL & PSY TREATMENT by KICKING ME AT THE  
HOSPITAL AFTER I TOLD HIM MY REASONS FOR BEING THERE.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee  
☐ Civilly committed detainee  
☐ Immigration detainee  
☐ Convicted and sentenced state prisoner  
☐ Convicted and sentenced federal prisoner  
☐ Other (explain) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

They arose at C.M.C Hospital on SEPT 29th  
2018

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

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C. What date and approximate time did the events giving rise to your claim(s) occur?

SEPT 29<sup>th</sup> 2018 at about 2:45-3:00-AM

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

ON 9/29/18 at 2:45-3:00AM I CAME TO C.M.C.'S EMERGENCY ROOM AND TOLD THE NURSE AT THE DESK THAT I RAN out of all my psy meds IM feeling homicidal? suicidal IM HEARING VOICES AND SEEING THINGS AND THAT I'D LIKE TO SIGN MYSELF INTO THE psych ward ON THE 7<sup>th</sup> FLOOR SHE HAD ME SIGN (2) FORMS GAVE ME MY

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

My feelings of suicide and homicidal thoughts INTENSEIFIED and I did NOT see NO PR. and or I didn't receive NO MEDICATION or TREATMENT at all.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I'd LIKE TO RECEIVE 250,000\$ for NOT receiving any TREATMENT for my MENTAL HEALTH ISSUES WHICH INCLUDES COMPENSATORY DAMAGES NOMINAL DAMAGES, and PUNITIVE DAMAGES NOT TO EXCEED 250,000\$ dollars.

HOSPITAL BRACKET AND TOLD ME TO HAVE A  
 SEAT IN THE WAITING ROOM SOMEBODY WILL  
 BE OUT TO SEE ME SOON. AS SOON AS  
 I TURN TO MY LEFT TO PROCEED TO THE  
 WAITING ROOM SECURITY OFFICER STEVEN  
 BURTON along with a SCRANTON POLICE  
 OFFICER CAME OUT FROM THE BACK OF  
 THE E.R. MR BURTON WALKS UP TO ME  
 AND TELLS ME WORD FOR WORD "YOUR  
 NOT WELCOMED HERE AND IF YOU DON'T  
 LEAVE NOW YOU WILL BE ARRESTED FOR  
 TRESPASSING I THEN EXPLAINED TO  
 HIM MY REASONS FOR BEING AT THE  
 EMERGENCY ROOM HE STATED I DON'T  
 CARE WHY YOU ARE HERE AND LIKE I  
 SAID IF YOU DON'T LEAVE YOU WILL BE  
 ARRESTED FOR TRESPASSING" SO TO  
 AVOID BEING ARRESTED I LEFT THE  
 HOSPITAL. FURTHERMORE I SUFFER FROM  
 ADD, A.P.H.D AND I ALSO BEEN  
 DIAGNOSED WITH PARANOID SCHIZOPHRENIA  
 DISORDER BIPOLAR TYPE. THE MEDICATION  
 IT WAS TAKEN TO TREAT MY ILLNESS IS  
 GEDOLINE, VALPROACID I WAS ALSO  
 RECEIVING SERVICES FROM SCRANTON  
 COUNSELING BY HIM DENING ME TREATMENT  
 PUT ME AT A GREAT RISK WHAT IF  
 I ~~STRIPPED~~ HAD KILLED SOMEBODY AND  
 OR MYSELF I FEEL MR BURTON SHOULD  
 BE PUNISHED FOR HIS ~~ROB~~ MALICIOUS  
 ACTIONS

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**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

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B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

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2. What did you claim in your grievance?

---

3. What was the result, if any?

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4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

BECAUSE THIS INCIDENT TOOK PLACE  
BEFORE I WAS SENT TO JAIL I HADN'T  
C.M.C. HOSPITAL 9/29/18

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

#### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes  
☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) RICKY JEFFERSON

Defendant(s) TAMMY BERGUTSON et al

2. Court (if federal court, name the district; if state court, name the county and State)

MOBILE DISTRICT

3. Docket or index number

Scrap

4. Name of Judge assigned to your case

JUDGE JONES

5. Approximate date of filing lawsuit

OCT 2015

6. Is the case still pending?

☐ Yes  
☒ No

If no, give the approximate date of disposition.

APR / 2018

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

WE REACHED A SETTLEMENT.

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☒ Yes☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) RICHIEY JEFFERSON

Defendant(s) OFFICER SAETC/O K LITTLE C/O TAYLER

2. Court (if federal court, name the district; if state court, name the county and State)

MIDDLE DISTRICT

3. Docket or index number

LCR90T

4. Name of Judge assigned to your case

JUDGE JONES

5. Approximate date of filing lawsuit

LCR90T SCOTIME 2013

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition

LCR90T

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

DISMISSED AS MOOT.

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**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: July 24, 2019

Signature of Plaintiff [Signature]

Printed Name of Plaintiff RICKEY J. JEFFERSON

Prison Identification # \_\_\_\_\_

Prison Address 1371 N. WASHINGTON AVE  
SCRANTON PA 18509  
City State Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
City State Zip Code

Telephone Number \_\_\_\_\_

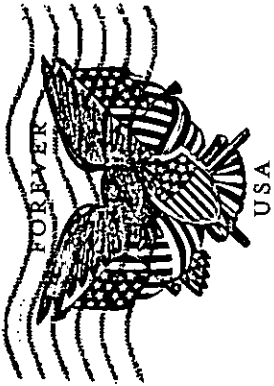
E-mail Address \_\_\_\_\_

RICHARD J. JENSEN

Name: Lackawanna County Prison  
1371 N Washington Avenue  
Scranton, PA 18509-2840

LEHIGH VALLEY PA 180

AUG 20 2019 PM 11



UNITED STATES DISTRICT COURT  
235 N. WASHINGTON AVE  
SCR PA 18501-1148

RECEIVED  
SCRANTON

AUG 12 2019

PER [Signature]  
DEPUTY CLERK

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